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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,992	07/10/2002	Jonathan Sharp	042933/302069	3264
826	7590	08/09/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/089,992		SHARP, JONATHAN	
	Examiner		Art Unit	
	Dai A. Phuong		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 06/09/2006, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 10-13 have been added. Claims 1-13 are currently pending.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement filed on 06/27/2006 has been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakurai et al. (U.S. 6600930).

Regarding claim 1, Sakurai et al. disclose a portable radio communications device 1 (fig. 4A and fig. 4B, col. 17, lines 14-40), comprising:

a body 100 (fig. 4A and fig. 4B, col. 17, lines 14-50);

a cover 101 having a closed position for at least partially covering the body and an open position (fig. 4A and fig. 4B, col. 17, lines 14-50);

a display 104 and/or 105 (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38); and

key accessible 102 when the cover is in the closed position, one of said keys being multifunctional and in a position remote from other of said keys wherein (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38; col. 19, line 17 to col. 20, line 5 and col. 27, line 60 to col. 28 line 11):

the function of the multifunctional key is dependent upon the state of the device (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38; col. 19, line 17 to col. 20, line 5 and col. 27, line 60 to col. 28 line 11), and

for at least one state of the device, operation of the multifunctional key controls the provision of information on the display (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38; col. 19, line 17 to col. 20, line 5 and col. 27, line 60 to col. 28 line 11);

wherein the multifunctional key is arranged to be active when the cover is in the closed position and inactive when the cover is in the open position (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38; col. 19, line 17 to col. 20, line 5 and col. 27, line 60 to col. 28 line 11).

Regarding claim 2, Sakurai et al. disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device wherein the display comprises a portion which is visible when the cover is in the closed position, and the key is operable to controls the provision of information on the portion of the display visible when the cover is in the closed position (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38; col. 19, line 17 to col. 20, line 5 and col. 27, line 60 to col. 28 line 11).

Regarding claim 3, Sakurai et al. disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device which comprises a receiver (fig. 5, col. 18, line 9 to col. 19, line, 13).

Regarding claim 4, Sakurai et al. disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device wherein, when the device is in a state corresponding to the receipt of a message, the key is operable to controls the provision of information corresponding to the message (col. 19, line 17 to col. 22, line 3).

Regarding claim 5, Sakurai et al. disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device wherein, when the device is in a state corresponding to the receipt of a missed call, the key is operable to controls the provision of information corresponding to the missed call (col. 19, line 17 to col. 22, line 3).

Regarding claim 6, Sakurai et al. disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device which comprises a transmitter (fig. 5, col. 18, line 9 to col. 19, line, 13).

Regarding claim 7, Sakurai et al. disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device wherein, when the device is in an idle state, the key is operable to controls the provision of information corresponding to the last number dialed (col. 19, line 17 to col. 22, line 3).

Regarding claim 9, Sakurai et al. disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device wherein operation of the key is a single actuation (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38).

Regarding claim 10, Sakurai et al. disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device further comprising a hinge switch for detecting when the cover makes a specific acute angle with the body (fig. 5, col. 18, line 9 to col. 19, line, 13).

Regarding claim 11, Sakurai et al. disclose all the limitations in claim 10. Further, Sakurai et al. disclose a device further comprising a processor for detecting, via the hinge switch,

when the cover is in the open position and when the cover is in the closed position (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38).

Regarding claim 12, Sakurai et al. disclose all the limitations in claim 11. Further, Sakurai et al. disclose a device wherein the processor is arranged to disable the multifunctional key when the cover is in the open position (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38).

Regarding claim 13, Sakurai et al. disclose all the limitations in claim 1. Further, Sakurai et al. disclose a device wherein the multifunctional key is located on the cover (fig. 4A and fig. 4B, col. 17, lines 14 to col. 18, line 38).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai et al. (U.S. 6600930) in view of Kim (U.S. 6519475).

Regarding claim 8, Sakurai et al. disclose all the limitations in claim 1. However, Sakurai et al. do not disclose a device arranged for coupling to a headset, and when the device is in a headset coupled state, key is operable to controls the provision of information corresponding to the last number dialed.

In the same field of endeavor, Kim discloses a device arranged for coupling to a headset, and when the device is in a headset coupled state, the key is operable to controls the provision of information corresponding to the last number dialed (col. 3, lines 48-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the telephone of Sakurai et al. by specifically including a device arranged for coupling to a headset, and when the device is in a headset coupled state, the key is operable to controls the provision of information corresponding to the last number dialed, as taught by Kim, the motivation being in order to provide the operational mode of the mobile phone to change from the telephone mode to the idle mode in response to the second mode signal.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramos Feliciano Eliseo can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2617

Date: 07-31-2006



ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER